

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FPP SANDBOX, LLC, A Delaware
Limited Liability Company;

Plaintiff,

vs.

THE REDSTONE COMMUNICATIONS
GROUP, INC., A Nebraska
Corporation;

Defendant and
Third-Party Plaintiff,

vs.

TURGO, Inc., A Delaware Corporation,
VIROOL, INC., A Delaware
Corporation, and ALEXANDER
DEBELOV;

Third-Party
Defendants.

8:18CV106

ORDER

This matter was filed by Plaintiff FPP Sandbox, LLC (Sandbox) on March 6, 2018 ([Filing No. 1](#)). Defendant/Third-Party Plaintiff, Redstone Communications Group, Inc. (Redstone) filed an answer and third-party complaint on August 7, 2018. ([Filing No. 26](#)). Redstone's answer and third-party complaint requested judgment against Turgo, Inc. (Turgo), declaring that Turgo is liable to Redstone for (a) all damages attributed to Redstone based on Sandbox's claims against Redstone, and (b) all attorney fees and costs that Redstone incurs in defending itself against Sandbox's claims. ([Filing No. 26 at CM/ECF p. 29](#)) Turgo has not filed an answer or otherwise pled to Redstone's third-party complaint.

Redstone moved for a clerk's entry of default against Turgo on September 13, 2018. ([Filing No. 36](#)) A clerk's entry of default was filed on September 14, 2018 and was mailed to Turgo. ([Filing No. 37](#)) The mailing was not returned and Turgo has not moved to set aside the entry of default.

Accordingly,

IT IS ORDERED:

- 1) Defendant/Third-Party Plaintiff (Redstone), is given until November 13, 2018 to move for either a default judgment or for dismissal, in the absence of which Redstone's claim against Turgo, Inc. may be dismissed for want of prosecution.
- 2) The clerk shall mail a copy of this order to third-party defendant Turgo, Inc. at:
541 Jefferson Avenue
Suite 100
Redwood City, CA 94063

Dated this 22nd day of October, 2018.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge